



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

JRE
Docket No: 4556-00
7 November 2000



Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you served on active duty in the Marine Corps from 9 November 1994 to 10 July 1995, when you were discharged by reason of erroneous enlistment because you suffered from patellofemoral syndrome which you felt precluded you from completing training. Although you did not suffer from knee pain prior to enlisting, the condition was properly classified as having existed prior to your enlistment. In this regard, the Board noted that you did not sustain any specific trauma to your knees during your service, which indicated to the Navy medical personnel who evaluated you at the time in question that you had a preexisting defect which prevented you from withstanding the rigors of Marine Corps training. The fact that your condition became quiescent following your discharge supports that determination. The Board noted that the Department of Veterans Affairs (VA) awarded you service connection for your knee condition, and assigned a 0% rating, but did not find that probative of error or injustice in your case.

In the absence of evidence which demonstrates that you were unfit for duty because of a disability incurred in or aggravated by your service, the Board was unable to recommend any

corrective action in your case. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director